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The Honorable Judge Brian D. Lynch
Chapter 7

7 UNITED STATES BANKRUPTCY COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 IN RE:

Case No. 15-42647-BDL
Adversary Case No.

11 JOHN JOSEPH JAMES,

Debtors.

12 JOHN JOSEPH JAMES

Plaintiff,

**COMPLAINT TO DETERMINE
DISCHARGABILITY OF STUDENT
LOANS**

13 v.

14 AMERICAN EDUCATION SERVICES;
15 NATIONAL COLLEGIATE TRUST; and
16 NAVIENT SOLUTIONS, LLC

17 Defendants.

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20 **PARTIES**

21 1. The Plaintiff is a single man and resides in Pierce County, WA.

22 2. Defendant American Education Services is a corporation which administers student
23 loans.

24 3. Defendant National Collegiate Trust is a corporation which administers student loans.
25

COMPLAINT- 1

1 4. Defendant Navient Solutions, LLC is a limited liability company which administers
2 student loans.

4 **JURISDICTION AND VENUE**

5 3. This Court has jurisdiction over this matter pursuant to 28 USC §157(b)(2)(I). This
6 matter is a core proceeding.

7 4. This Court has venue of this matter pursuant to 28 USC §1409(a).

8 **FACTUAL ALLEGATIONS**

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10 5. The underlying Chapter 7 bankruptcy case was commenced by the filing of a voluntary
11 petition with the Clerk of this Court on June 1, 2015.

12 6. Defendants are pre-petition unsecured creditors.

13 7. Plaintiff co-signed on student loans for his sister to finance her education. None of
14 the loans in question were used to fund Plaintiff's education.

15 8. These various loans were made under a program funded by a governmental unit as well
16 as private lenders.

17 9. Plaintiff is unable to make payments on these loans because his income is not
18 adequate for his support and pay the loans at the same time.

19 10. To require the Plaintiff to pay these loans would constitute an undue hardship on
20 the Plaintiff.

21 11. The Plaintiff is not able to pay the student loans and maintain a minimal standard
22 of living for himself.

23 12. Because Plaintiff was merely a co-signer on these loans, Plaintiff did not benefit
24 from an education due to these student loans.
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WHEREFORE, the Plaintiffs respectfully pray of the Court as follows:

1. Discharge the Plaintiff's various student loans.
2. Grant such other and further relief as the Court deems just and equitable.

DATED: April 13, 2017

TURNBULL & BORN, P.L.L.C.
ATTORNEYS FOR DEBTOR

By: /s/James A. Jones
James A. Jones, WSBA 33115